

PUBLIC LAW 104-191—AUG. 21, 1996 110 STAT.
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"(B)(i) Effective on the date of the enactment of the Health Insurance Portability and Accountability Act of 1996—
"(I) the Secretary may issue regulations for carrying out this subsection, and the Secretary may accept and consider applications submitted pursuant to paragraph (5)(C); and
"(II) reports under paragraph (6)(C) may be submitted to the Congress.
"(ii) For the first fiscal year for which an appropriation is made under subparagraph (A) of paragraph (6), if an estimate under subparagraph (C) of such paragraph has not been made for the calendar year beginning in such fiscal year, the transfer under subparagraph (D) of such paragraph shall be made notwithstanding the lack of the estimate, and the transfer shall be made in an amount equal to the amount of such appropriation."

SEC. 195. FINDINGS; SEVERABILITY.

42 USC 500gg

(a) FINDINGS RELATING TO EXERCISE OF COMMERCE CLAUSE ^{note*}
AUTHORITY.—Congress finds the following in relation to the provisions of this title:

- (1) Provisions in group health plans and health insurance coverage that impose certain preexisting condition exclusions impact the ability of employees to seek employment in interstate commerce, thereby impeding such commerce.
- (2) Health insurance coverage is commercial in nature and is in and affects interstate commerce.
- (3) It is a necessary and proper exercise of Congressional authority to impose requirements under this title on group health plans and health insurance coverage (including coverage offered to individuals previously covered under group health plans) in order to promote commerce among the States.
- (4) Congress, however, intends to defer to States, to the maximum extent practicable, in carrying out such requirements with respect to insurers and health maintenance organizations that are subject to State regulation, consistent with the provisions of the Employee Retirement Income Security Act of 1974.

(b) SEVERABILITY.—If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE II—PREVENTING HEALTH CARE FRAUD AND ABUSE; ADMINISTRATIVE SIMPLIFICATION

SEC. 200. REFERENCES IN TITLE.

Except as otherwise specifically provided, whenever in this title an amendment is expressed in terms of an

amendment to
or repeal of a section or other provision. the
reference shall be
considered to be made to that section or other
provision of the
Social Security Act,